

EXHIBIT

C

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICKY A. SHAW,	:	CIVIL ACTION
	:	
	:	
Plaintiff	:	
	:	No. 09-359
v.	:	
	:	
	:	
CUMBERLAND TRUCK EQUIPMENT	:	
COMPANY,	:	
	:	
Defendant	:	

Oral Deposition of

RICKY A. SHAW

DATE: Tuesday, January 12, 2010

TIME: 9 a.m.

PLACE: GOLDBERG KATZMAN
320 Market Street
Harrisburg, Pennsylvania

TAKEN BY: Defendant

APEX REPORTING SERVICE
By: Sharon L. Dougherty
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**CONDENSED
COPY**

1 September? 76
2 A Late September. Maybe into October. I really
3 don't recall what day it was.
4 Q So you at least considered yourself no longer an
5 employee of Cumberland as of the end of September of '07?
6 A Yeah.
7 Q But you still received your short-term disability
8 benefits until a year after you applied for them, which would
9 have been around April of '08.
10 A Yes, I did.
11 Q What were you making at Cumberland when you left
12 employment?
13 A \$11.65 an hour.
14 Q Did that payment stop upon leaving February 26th
15 of '07 on medical leave?
16 A I'm sorry?
17 Q Did the hourly payment of \$11.65 an hour, did
18 that stop when you went out on medical leave in February of
19 '07?
20 A Yes.
21 Q While you were employed at Cumberland, did you
22 contribute to a 401K plan at all?
23 A Yes, I did.
24 Q Do you remember how much you contributed per
25 month? Was it a monthly contribution?

1 A It was a weekly contribution. I mean, biweekly. 77
2 Every paycheck.
3 Q Every pay period.
4 A Every pay period.
5 Q Do you remember how much you contributed?
6 A At the end there I was only contributing the
7 minimum which I think is 6 percent that they would match.
8 Prior to that I had contributed almost 10 percent for awhile
9 there when I didn't need the money.
10 Q At some point when you left employment with
11 Cumberland you were able to get the money from the 401K?
12 A Yes, I was.
13 Q You testified before about a military pension.
14 A Yes.
15 Q Is that a retirement from the military? Is that
16 a monthly pension?
17 A Yes, it is.
18 Q Have you been receiving that since 1992 when you
19 left the military?
20 A Yes.
21 Q How much is that per month?
22 A At present it is about \$927 a month.
23 Q You say at present. Did the amount change since
24 '92?
25 A Yes, it has.

1 Q why did it change? 78
2 A Because now I am getting some money from the
3 Veteran's Administration which cuts into the disability. I am
4 getting money from the Veteran's Administration for
5 disability, and that cuts into the military pension.
6 Q So from 1992 until you started receiving money
7 from the Veteran's association, was that always the same
8 amount?
9 A No. You get yearly raises and stuff like that.
10 Q I believe you testified that you received about
11 three weeks of unemployment compensation?
12 A Yes, I did.
13 Q Do you remember the amount of that?
14 A Three checks for -- about \$220 per week.
15 Q You testified that you received short-term
16 disability which was 60 percent of your salary for one year;
17 is that right?
18 A Yes.
19 Q Then you never received long-term disability
20 benefits from Cumberland or a company associated with
21 Cumberland?
22 A No.
23 Q Did you at some point apply for Social Security
24 disability benefits?
25 A Yes, I did.

1 Q How did you make the decision to apply for those? 79
2 A You mean why or how?
3 Q why?
4 A why? Because the economy was going in the
5 crapper, and I had approached people looking for a job. with
6 so many people out there who just got laid off who were young
7 and vigorous, the decision was that they would hire somebody
8 like that before hiring an old guy like me who just come off
9 disability. So I decided, looking out for my future, I better
10 apply for Social Security Disability.
11 Q When did you apply for that?
12 A I applied for that in January of '08.
13 Q Based upon what disability? Your knee condition?
14 A Yes.
15 Q Were you approved right away?
16 A Not for awhile. I started receiving Social
17 Security Disability in March of '08.
18 Q Is that a monthly payment?
19 A Yes, it is.
20 Q How much per month?
21 A At present it's \$1211 I believe.
22 Q So you have been receiving about \$1200, \$1211
23 from March of '08 to the present time from the Social Security
24 Administration?
25 A Yes.